

# COTTONWOOD HEIGHTS

## ORDINANCE NO. 357-A

AN ORDINANCE APPROVING THE RE-ZONE OF REAL PROPERTY LOCATED AT 2751 EAST FORT UNION BLVD. FROM R-1-8 (RESIDENTIAL SINGLE FAMILY) TO RO-ZC (RESIDENTIAL OFFICE WITH ZONING CONDITIONS) AND AMENDING THE ZONING MAP

**WHEREAS**, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

**WHEREAS**, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

**WHEREAS**, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the city; and

**WHEREAS**, on 14 July 2005, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 25 adopting a land use ordinance for the City and codifying such ordinance as Title 19 of the City’s code of ordinances (the “*Code*”); and

**WHEREAS**, pursuant to its Ordinance No. 25, the Council also adopted a zoning map for the City (the “*Zoning Map*”); and

**WHEREAS**, on 21 April 2021 the City’s planning commission (the “*Planning Commission*”) held a public hearing on an application by Lance Paulson requesting the re-zone of a .3 acre parcel of real property located at 2751 East Fort Union Blvd. (the “*Property*”) from R-1-8 (Residential Single Family) to RO (Residential Office), at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed re-zone; and

**WHEREAS**, such public hearing before the Planning Commission was preceded by all required legal notices; and

**WHEREAS**, on 21 April 2021, the Planning Commission recommended denial of such proposed re-zone of the Property, and forwarded such recommendation of denial to the Council for final action; and

**WHEREAS**, after taking additional public input, on 15 June 2021 the Council met in regular meeting to consider, among other things, such proposed re-zone of the Property; and

**WHEREAS**, in order to provide more specific land use designations and to ensure that proposed development is compatible with surrounding neighborhoods, Code section 19.90.060 authorizes “zoning conditions” to be attached to (and thereby made a part of) any zoning map amendment which limit or restrict, *inter alia*, the conditional or permitted land uses to a greater degree than otherwise would be applicable under the base zoning classification; and

**WHEREAS**, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where such proposed re-zone was discussed, and recommendations of City staff, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to approve re-zoning the Property as specified below;

**NOW, THEREFORE, BE IT ORDAINED** by the city council of the city of Cottonwood Heights as follows:

Section 1. **Re-zone to RO-ZC.** The Council hereby re-zones the Property from R-1-8 (Residential Single Family) to RO-ZC (Residential Office, with Zoning Conditions) and, in connection therewith, excludes and prohibits the following uses from being conducted on the Property: Medical, optical, dental offices and clinics for health professionals, including those currently described in Code section 19.35.030(A) and (L) or their successors.

Section 2. **Adoption of Amended Zoning Map.** The Council hereby amends the City's zoning map to reflect the re-zone of the Property effected by this Ordinance and hereby adopts the amended zoning map that is attached as an exhibit hereto as the City's current zoning map for the Property.

Section 3. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 4. **Severability.** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 5. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

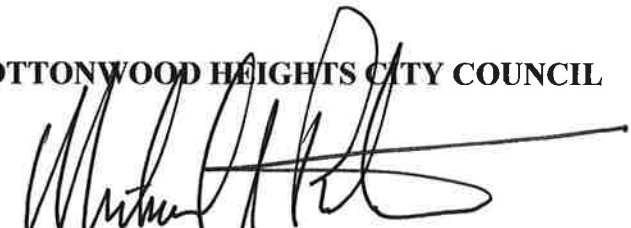
Section 6. **Effective Date.** This Ordinance, assigned no. 357-A, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

**PASSED AND APPROVED** this 15<sup>th</sup> day of June 2021.

ATTEST:

By:    
Paula Melgar, Recorder

COTTONWOOD HEIGHTS CITY COUNCIL

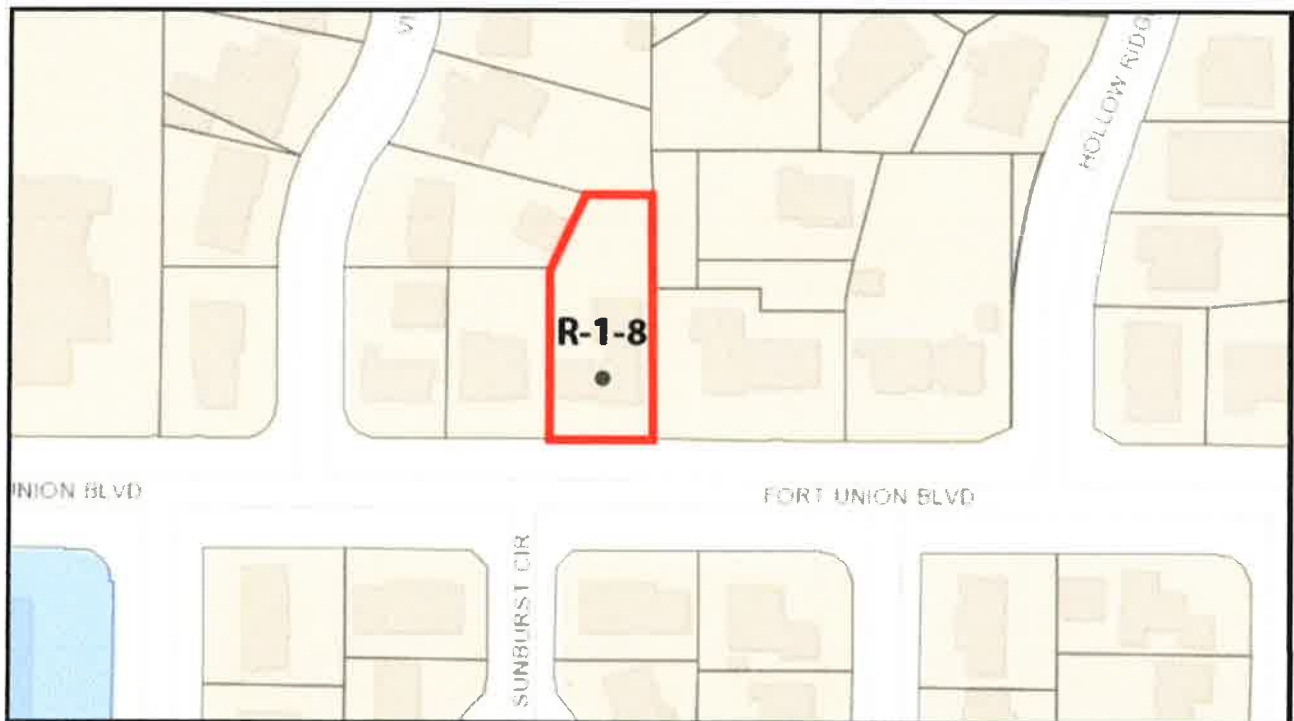
By:   
Michael J. Peterson, Mayor

**VOTING:**

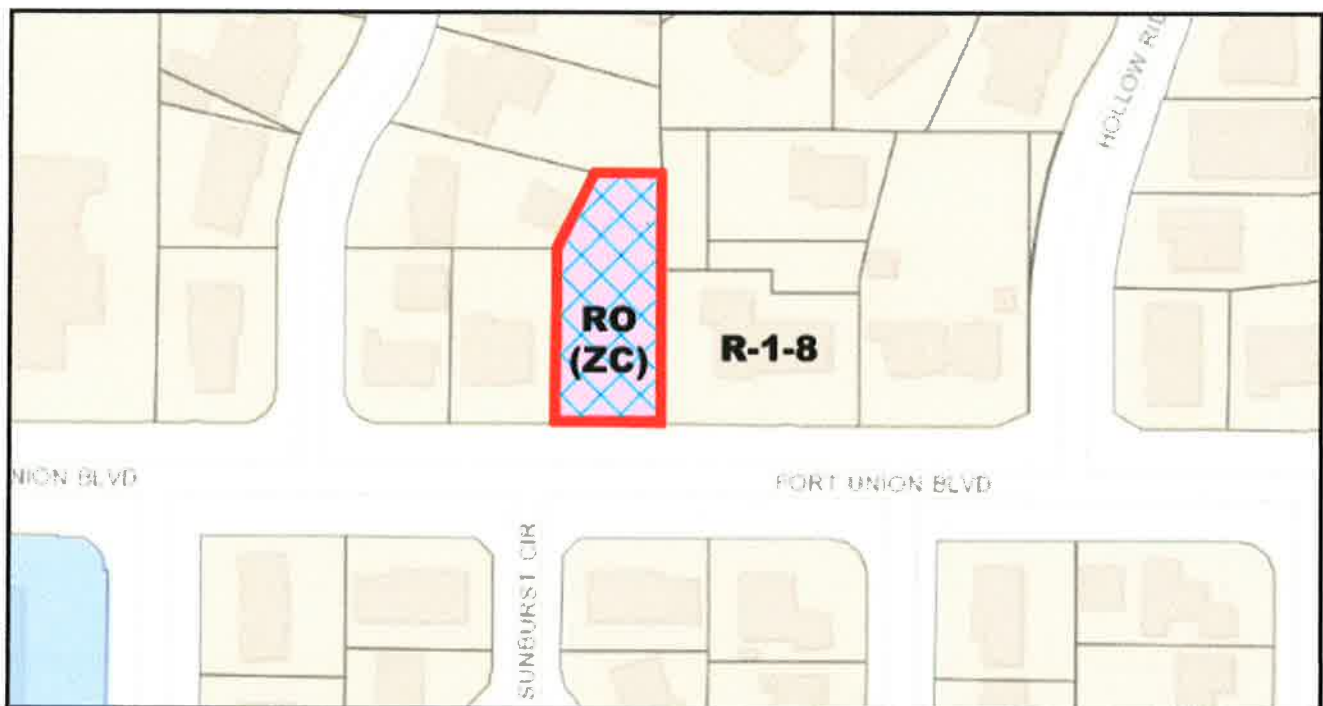
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Douglas Petersen	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tali C. Bruce	Yea <input checked="" type="checkbox"/>	Nay <input checked="" type="checkbox"/>
Christine Watson Mikell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

**DEPOSITED** in the Recorder's office this 15<sup>th</sup> day of June 2021.

**POSTED** this 17 day of June 2021.



*Existing Zoning*



*Proposed Zoning*